

COMMISSIONERS APPROVAL

CHILCOTT *g*

LUND *Bto*

THOMPSON *ah*

TAYLOR (Clerk & Recorder)

Date.....February 1, 2005

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met to discuss and make a decision on the pro rata share amounts for subdivisions. Present at this meeting was Planning Director Patrick O'Herren, Civil Counsel James McCubbin and Road Supervisor David Ohnstad. Numerous citizens were in the audience.

Commissioner Lund relayed she visited with Civil Counsel James McCubbin this morning relative to the pro rata share. She then asked James to share his thoughts on this issue.

James stated there is not a 'good' legal basis to set the pro rata share on how calculations were done in the past, because the subdivision regulations have not changed. However, the regulations should and could be changed if the Commissioners perceive some needed changes. He stated there is legal argument for the calculations to be done at the time of final plat rather than at the time of the initial application. James also stated these changes do not guarantee that the county is going to avoid litigation. He also stated this change will affect applications that have been previously submitted. And, if the county discovers they are doing some incorrectly, it can be fixed, but not for proposed subdivisions received after that date.

David stated his opinion of this subject is based on a review of the issues. He stated he concurs with James, in that the county should not continue to make the same mistakes. He stated their goal should be to reconcile the past actions and focus on moving forward.

James stated the regulations must have a public hearing and no decision can be made today.

David stated they received their first draft of the road standards from the consulting engineer. After an initial review, he stated it does not seem to be too different than the uniform fire code.

Commissioner Lund asked if the Commissioners needed to have a public hearing on the adoption of the AASTHO standards. James stated those standards are guidelines which are an administrative matter and no public hearing would be needed. However, to change the regulations, the Commissioners would need to hold a public hearing. James also stated there needs to be a mesh of the AASTHO standards and the Ravalli County Regulations.

Patrick stated the Table on road standards within the regulations would be removed and certain language would need to be changed. He stated this is something the staff can do once the final figures are received from the consultants and fire districts.

James stated if the Commissioners want to do something short of the AASTHO standards, the pro rata share as per the 2003 amendment is based on Table 5-4-2. He stated they could change this Table to show the construction standards and not the curve radius. However, he stated he would recommend against this because if the Commissioners are going to adopt the AASTHOW standards it should all be done at one time.

Commissioner Thompson discussed the pro rata calculations from the previous road supervisors. He stated the pro rata share amounts that have been calculated by the current road supervisor is either well received or not received well by the citizens. To say these new calculations are accurate, is not necessarily the truth. He asked if they did not accept past road supervisor's calculations, then why they accept the current road supervisor's numbers. He stated it is important to have some correlating evidence that show these numbers (calculations) are correct.

David stated he agrees with Commissioner Thompson's statement because previous judgments are not necessarily erroneous. However, from his standpoint he looks at the current components of the roadway structure realizing 'that it is what it is', and these components are utilized from the Department of Transportation which gives them a basis or foundation to work from. He stated that within the past week, they have reviewed these figures with the consulting engineer and a third consultant who all agree; these are quite conservative numbers. David relayed that he also felt the road standards could be completed within the next several weeks.

James stated the current advantage is that the Commissioners have David to ask how he came up with certain calculations. James stated this issue is a relatively minor concern; because the greater failure is that the county does not take into account all of the factors in Table 5-2-2.

There was some discussion of the regulations that were approved in August 2000 and how those regulations came about. James stated the national standards should be adopted, and until then, the county must follow the regulations in place. He stated it is important that the county follow these regulations because of the need to follow the law.

Patrick stated they have received the information from the consulting engineers. Now they need to obtain comment from the fire districts and other consultants. He would hope to have this reviewed by the end of February and hold public hearings sometime in March.

Commissioner Thompson asked if they should they immediately change what is incorrect, or make all of the changes at once. James stated that is a decision for the Commissioners. He stated they could have a quick fix on the pro-rata calculation by holding a public hearing within the next few weeks. If they are going to review the other issues, and not have three sets of regulations to follow at one time; the best recommendation is to make the changes at one time after a public hearing.

Commissioner Lund asked about the three different regulations. James stated the first is the regulations being utilized when the applicant applies for a pro rata, and in order to change parts of the Table, any final plat approvals will be based on that change. Then the Commissioners would have another change for AASTHO standards etc., which would not give the staff the needed time to process and understand the regulations.

James also stated the pro rata share should be attached to the filing of final plat. There was some discussion of adopting the current AASTHO Standards. David stated they are following the standards. James stated the Commissioners could adopt the AASTHO Standards pending the reconciliation of the regulations.

Commissioner Thompson made a motion to adopt the "Manual on Uniform Traffic Control Devices" (published by the Federal Highway Administration), "A policy on geometric design of Highways and Streets" and "Guidelines for Geometric Design of Very Low-Volume Local Roads" both standards published by the American Association of State Highway and Transportation Officials (AASTHO) as recommended by the Road Supervisor on an interim basis. Commissioner Lund seconded the motion. Discussion of the motion then took place. It was agreed the adoption of these standards is only for the Road and Bridge Department and only on an interim basis. All voted "aye".

The Board then reviewed the time table for the changes on the pro rata share calculations. Commissioner Thompson stated he would rather do something on an interim basis and not wait until the week of March 21st. James stated he recommends the Commissioners wait and make the changes all at once. He stated the language can be changed in certain parts of the Table 5-4-2. Patrick stated he expects some legal challenges if they move towards a quick fix, so he would agree and rely on James' opinion.

Commissioner Lund asked David what part of the Table could be changed for a 'quick fix'. James stated those changes would be dependent upon what the Commissioners want. There was some discussion of the 'bigger dollar issues' of bringing the roads up to standard. Those issues are the right of way, curves, radius and bridges. James stated if the county were to approve of a final plat tomorrow and the pro rata is not based upon the grade, curve, right of way and bridge issue, then the calculation is not correct and the final approval is not legal under the regulations.

Commissioner Thompson stated a quick fix would just add to the problem. He suggested they wait and make the changes at one time. Commissioner Lund and Commissioner Chilcott concurred. They instructed Patrick to work with James and David on the changes and bring them forward for a public hearing sometime during the week of March 21st. Commissioner Thompson stated he wants verification from a private source relative to David's base figure for the pro rata calculation. James stated the developer and or the neighbors to the proposed subdivision should also be able to bring in an engineer during the public meeting with the Planning Board to discuss the pro rata calculation. That information can be utilized during the decision by the Commissioners.

In other business the Board addressed various administrative matters as follows.

Commissioner Thompson made a motion to approve of a 20-year lease with Max Martz for Hangar # C-39 based upon the letter from Citizens State Bank addressing the loan. Commissioner Lund seconded the motion and all voted "aye".

Commissioner Lund made a motion to approve of the following Resolutions for Budget Transfer in Fiscal Year 2005.

- Resolution No. 1579 which is a budget transfer within the Sheriff's Office in the amount of \$1,715.00
- Resolution No. 1580 which is a budget transfer within the Information Services Office in the amount of \$900.00
- Resolution No. 1581 which is a budget transfer within the County Attorney's Office in the amount of \$3,000.00 for unanticipated revenue
- Resolution No. 1582 which is a budget transfer in the Sheriff's Office in the amount of \$3,000.00

Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Thompson made a motion to adopt the minutes of December 6, 2004, through December 17, 2004, as corrected. Commissioner Lund seconded the motion and all voted "aye".